

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

**3G PROPERTIES, LLC,
Debtor**

Case No.: 10-04763-8-JRL
Chapter 11

SOUTHERN COMMUNITY BANK AND TRUST,

Plaintiff,

V.

Adversary Proceeding No. _____-8-AP

JAMES D. GOLDSTON, III, JAMES M. ADAMS, SR., TIMOTHY P. KELLY, LAKE GLAD ROAD COMMERCIAL, LLC, and LAKE GLAD ROAD PARTNERS, LLC,

Defendants.

**NOTICE OF REMOVAL OF PENDING STATE COURT CIVIL ACTION TO
UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT
OF NORTH CAROLINA**

NOW COMES, James D. Goldston, III, and James M. Adams, Sr., Defendants in *Southern Community Bank and Trust v. James D. Goldston, III, et. al.*, filed in the General Court of Justice, Superior Court Division, Wake County, North Carolina, Case No. 10-CVS-6390 (“State Court Action”), which was filed on April 13, 2010. This NOTICE is filed pursuant to 28 U.S.C. §§ 1452(a), 1334(b), and 157, and Rule 9027 of the Federal Rules of Bankruptcy Procedure. In connection with this Notice of Removal, the Defendants respectfully show unto this Court the following:

1. 3G Properties, LLC filed a voluntary petition under Chapter 11 of the Bankruptcy Code on June 14, 2010. The Chapter 11 is now pending in the United States

Bankruptcy Court for the Eastern District of North Carolina, Case No. 10-04763-8-JRL.

2. 3G Properties, LLC (the “Debtor”) is the successor to Lake Glad Road Partners, LLC and Lake Glad Road Commercial LLC, subject to a merger completed on June 14, 2010. The Debtor is the surviving entity.

3. At the time of the commencement of the Chapter 11 case, the State Court Action was still pending in the Wake County, North Carolina Superior Court (the “State Court”) against the Debtor and Defendants. The State Court Action is still pending in State Court (until the filing of this Notice of Removal with the Bankruptcy Court and the filing of a copy of this Notice of Removal with the clerk of the State Court).

4. Removal of the State Court Action to the Bankruptcy Court is authorized by 28 U.S.C. §§1452, 1334 and 157, and the General Order of Reference in the District Court for the Eastern District of North Carolina, referring bankruptcy matters to the United States Bankruptcy Court.

5. Defendants, James M. Adams, Sr. and James D. Goldston, III, are entitled to remove this State Court Action pursuant to 28 U.S.C. § 1452(a) and Rule 9027(a) of the Federal Rules of Bankruptcy Procedure by filing a Notice of Removal in the State Court Action.

6. The State Court Action is a civil action other than a proceeding before the United States Tax Court and is not a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. §§ 1446, 1452, and Rule 9027(a)(2) of the Federal Rules of Bankruptcy Procedure.

8. The State Court Action is related to the Chapter 11 case within the

meaning of 28 U.S.C. §1334(b).

9. Upon removal, the State Court Action will be a non-core proceeding.

10. This Notice of Removal is accompanied by Exhibits A-G, copies of the pleadings and process in the State Court Action in accordance with Rule 9027(a)(1) of the Federal Rules of Bankruptcy Procedure. If additional documents relating to the State Court Action are required, the Defendants will submit such documents.

11. A copy of this Notice of Removal will be filed with the Clerk of Superior Court for Wake County, North Carolina, and served upon the Plaintiff and other Defendants as required by 28 U.S.C. § 1446.

WHEREFORE, the Defendants file this Notice of Removal effectuating the following removal of the State Court Action from the Wake County, North Carolina Superior Court to the U.S. Bankruptcy Court for the Eastern District of North Carolina.

DATED: 7/26/2010

/s/ Trawick H. Stubbs, Jr.
TRAWICK H. STUBBS, JR.
State Bar No.: 4221
Stubbs & Perdue, P.A.
P. O. Box 1654
New Bern, NC 28563-1654
(252) 633-2700
(252) 633-9600 Facsimile
Attorney for Defendant, James M. Adams, Sr.

/s/ Richard M. Hutson, II
RICHARD M. HUTSON, II
State Bar No. 2282
Hutson Law Office, P.A.
P.O. Drawer 2252-A
Durham, NC 27702
(919) 683-1561
Attorney for Defendant, James M. Goldtson, III

CERTIFICATE OF SERVICE

I, Trawick H. Stubbs, Jr., P.O. Box 1654, New Bern, North Carolina, 28563-1654 certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 26th day of July, 2010, I served copies of the foregoing NOTICE OF REMOVAL OF PENDING STATE COURT CIVIL ACTION TO THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF NORTH CAROLINA on the parties listed below and on Exhibit 1, attached hereto, or at by depositing a copy of the same in the United States mail bearing sufficient postage or electronically as indicated.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: 7/26/10

/s/ Trawick H. Stubbs, Jr.
TRAWICK H. STUBBS. JR.
State Bar No.: 4221
Stubbs & Perdue, P.A.
P. O. Box 1654
New Bern, NC 28563-1654
(252) 633-2700
(252) 633-9600 Facsimile
Attorney for the Defendant, James M. Adams, Sr.

Served On:

Bankruptcy Administrator (Via CM/ECF)

Camden R. Webb (Via U.S. Mail)
Williams Mullen
PO Box 1000
Raleigh, NC 27602-1000

Kevin L. Sink (Via U.S. Mail)
Nicholls & Crampton, P.A.
3700 Glenwood Avenue #500
Raleigh, NC 27612

Timothy P. Kelly (Via U.S. Mail)
1534 Raven Wood Drive
Creedmoor, NC 27522

EXHIBIT 1

Bankruptcy Administrator (Via CM/ECF)

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Williams Mullen
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Raleigh, NC 27602-1000

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